

**REMARKS**

Claims 1 and 3-37 are pending in this application. Claims 33-35 have been withdrawn from consideration. By this Amendment, claims 1, 36 and 37 are amended. Claim 2 is canceled without prejudice to, or disclaimer of, the subject matter recited therein. Support for the amendments may be found, for example, in the specification and the claims as originally filed (see page 8 and original claims 2, 36 and 37). No new matter is added.

In view of the foregoing amendments and the following remarks, reconsideration and allowance of the claims are respectfully requested.

**I. Rejection Under 35 U.S.C. §112**

The Office Action rejects claims 2, 36 and 37 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed.

By this Amendment claims 1, 36 and 37 are amended to obviate the rejection. More specifically, the subject matter of claim 2 has been incorporated into claim 1, whereby the term "MFR<sub>2</sub>" has been replaced with the phrase "melt flow rate measured under a load of 2.16," as recited in the specification as filed (see specification, page 8, second to last paragraph). Thus, it is respectfully submitted that claims 1, 36 and 37 are definite as set forth above. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**II. Rejection Under 35 U.S.C. §101**

The Office Action rejects claims 36 and 37 under 35 U.S.C. §101 for improper recitation of a use. By this Amendment, claims 36 and 37 are

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amended, as shown above, to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

### **III. Rejection Under 35 U.S.C. §102**

The Office Action rejects claims 1, 3, 4, 7-9, 23, 25, 27 and 29 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,338,589 ("Bohm"). This rejection is respectfully traversed.

The Office Action concedes that "Bohm et al. fails to teach a composition characterized in that composition has a melt flow rate according to ISO 1133, at 190°C of 5 to 20 g/10 min." (Office action, page 6, paragraph 18). Thus, without conceding to the propriety of the rejection, and in the interest of obtaining allowance, the subject matter of non-rejected claim 2 is incorporated into claim 1. Thus, the rejection is overcome and should be withdrawn. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

### **III. Rejections Under 35 U.S.C. §103**

The Office Action: (1) rejects claims 2, 6, 10 and 30 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bohm in view of WO 00/71615 ("Lindahl"); (2) rejects claims 5, 11-17, 24, 31, 32, 36 and 37 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bohm in view of EP 1449878 ("Laiho"); (3) rejects claims 18-21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bohm in view of Laiho and further in view of Lindahl; (4) rejects claim 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bohm in view of U.S. Patent No. 6,582,795 ("Seppanen"); and (5) rejects claims 22 and 28 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bohm in view of U.S. Patent Application Publication No. 2005/0037219 ("Ohlsson"). By this Amendment, claim 2 is canceled, thus rendering the rejection moot as to

that claim. As to the remaining claims, these rejections are respectfully traversed.

**A. Bohm and Lindahl**

Claim 1 recites, *inter alia*, "A polymer composition ...wherein the polymer composition has a melt flow rate under a load of 2.16 according to ISO 1133, at 190°C, of 5 to 20 g/10min." For at least the reasons presented below, Bohm and Lindahl would not have rendered obvious each and every feature of claim 1.

Bohm is directed to polyethylene molding compositions which "consists of a high density polyethylene (HDPE) and a low density polyethylene" (Bohm, col. 1, lines 33-35). As disclosed by Bohm, HDPE has an MFR<sub>2</sub> (a melt flow rate under a load of 2.16 according to ISO 1133) of 0.01 to 0.5 g/10min; and LDPE has an MFR<sub>2</sub> (a melt flow rate under a load of 2.16 according to ISO 1133) of 0.5 to 2.0 g/10 min (Bohm, col. 1, lines 23-40). As a result, the molding composition of Bohm does not comprise the melt flow rate under a load of 2.16 according to ISO 1133 as specified in claim 1, as conceded by the Office Action (see Office Action, page 6, paragraph 18). Lindahl does not cure the deficiencies of Bohm.

Although Lindahl discloses a bimodal HDPE composition having an MFR<sub>2</sub> of 2-100 g/10min (Lindahl, page 6, last paragraph), Example 4 is the only instance where Lindahl discloses low density polyethylene (LDPE) used in conjunction with HDPE (Lindahl, page 13). However, in Example 4, LDPE is merely coextruded with HDPE, and thus are applied as *separate* component layers to substrate. As a result, Lindahl fails to disclose a composition comprising both: (1) a multimodal high density polyethylene (A) having a density of 950 to 968 kg/m<sup>3</sup> in an amount of 40 to 80 wt%; and (2) a low density polyethylene (B) in an amount of 20 to 60 wt%, wherein the polymer composition

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has a melt flow rate under a load of 2.16 according to ISO 1133, at 190°C, of 5 to 20 g/10min, as recited in claim 1.

Put differently, Lindhal fails to teach to one of ordinary skill in the art a composition, having both a high density polyethylene and a low density polyethylene, and having an MFR<sub>2</sub> in the claimed range. At best, one of ordinary skill in the art would have been led to understand, based on the disclosure of Lindhal, the existence of a bimodal high density polyethylene composition which may have an MFR<sub>2</sub> in the range of 2-100 g/10min. Nevertheless, Lindhal fails to provide any reason or rationale for one of ordinary skill in the art to have combined Lindhal with Bohm and modified the resulting combination in a manner necessary to have obtained a composition having each and every feature of claim 1, without at least improper hindsight benefit of Applicants' specification.

Based on the above, Bohm and Lindhal would not have rendered claim 1 obvious. The remaining claims variously depend from claim 1 and are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features recited therein.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

#### **B. Laiho, Seppanen and Ohlsson**

The above discussion with respect to Bohm and Lindhal applies to this section. The Office applies Laiho, Seppanen and Ohlsson as allegedly addressing additional features recited in dependent claims. Thus, Laiho, Seppanen and Ohlsson do not cure the deficiencies of Bohm and Lindhal with respect to claim 1, nor does the Office Action so assert.

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Based on the above, Bohm, Lindhal, Laiho, Seppanen and Ohlsson, in any combination, would not have rendered claim 1 obvious. The remaining claims variously depend from claim 1 and are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features recited therein.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that the present claims are in condition for allowance. Prompt notification of allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-2478 (13225).

Should the Examiner believe that anything further would be desirable in

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order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

Date: November 3, 2011

A handwritten signature in cursive script, appearing to read "Michael J. Mlotkowski", written over a horizontal line.

Michael J. Mlotkowski  
Attorney for Appellants  
Registration No. 33,020

POST OFFICE ADDRESS to which  
Correspondence is to be sent:

Roberts, Mlotkowski, Safran & Cole  
P.O. Box 10064  
McLean, VA 22102  
(703) 584-3270 (voice)  
(703) 848-2981 (fax)